

HHA CON	AFHSA: Comments from the States	Types of in-home agencies other than certified Home Health Agencies (HHA)	Quality Assurance/licensing activities for in-home providers (In addition to statutes and regs)	Issues or concerns/Recommendations	# of in-home providers licensed or regulated	Would you like results of the survey?
NO	Wisconsin	Only home health agencies	NO (Process for State licensure surveys: Desk review of several policies, followed by initial survey. Probationary license issued so agency can admit patients. Regular licensure survey after agency submits proof of serving at least 10 skilled nursing patients.)	Agencies prefer to provide only personal care services; Obtain HHA license so they can collect Medicaid for personal care services; Will comply with regs regarding skilled nursing until they get their regular license and they will only focus on personal care.	Approximately 150 HHA	Yes
NO	Delaware	Unskilled HHA; Personal Assistance Services Agency (PASA)	NO (When applying for initial licensure, the agencies are required to complete a documentation presentation of policies and procedures and all paperwork, contracts, etc. that they will be utilizing. It is determined at the time of the presentation whether the presented materials meet the requirements. If not, they are given 90 days in which to come into compliance and present the corrected materials. If the materials at the time of the second presentation do not meet the requirements, the agency is denied a license. If the materials meet the regulations, a recommendation is made to the OHFLC Director for licensure and a 90-day provisional license is issued. Once the license is issued, the entity is able to hire personnel and accept clients/patients. Toward the end of the 90- day period, an on-site survey is performed. If, at that time, the agency has served no clients/patients, and at the end of the 90-day period the agency still has served no clients/patients, the definition of an agency is not met and the license is not renewed.) Each agency (HHAs and PASA) is required to complete a paper survey each year with their license renewal application. The PASA regulations were just adopted in August of 2007 and were the result of an unfunded mandate. The OHFLC responds to complaints and may perform a licensure and complaint survey if the complaint warrants an on-site visit.	HHA- Use of aides as independent contractors; OHFLC requires all seeking certification obtain it through one of the accrediting bodies. PASA- franchises being sold to people who are unaware of Delaware licensure requirements and the process to obtain the license; Owners have no background in personal care, etc. and there is no requirement that they have that background; Lack of qualified workers; resist licensure and OHFLC has begun legal process to bring them into compliance; waiting list for all new agencies due to staff shortages	19 Certified HHAs; 14 State licensed only HHAs; 12 PASAs	Yes
NO	Oklahoma	Licensed only home care agencies, "private duty";	NO (Oklahoma rules & laws mirror the Medicare regulations aides in licensed home care agencies.	Home care aides and sitter companions providing care beyond their training & certification. Continue to educate the agencies as to what is	222 licensed & Medicare certificate HHAs; 99 Licensed	Yes

HHA CON	AFHSA: Comments from the States	Types of in-home agencies other than certified Home Health Agencies (HHA)	Quality Assurance/licensing activities for in-home providers (In addition to statutes and regs)	Issues or concerns/Recommendations	# of in-home providers licensed or regulated	Would you like results of the survey?
	Oklahoma (cont.)	License sitter- companion agencies that are not allowed to provide personal care	For the sitter-companion agencies there is not a structure training requirement that is regulated, other than requiring a criminal arrest check before hire)	allowed under the law.	only agencies; 283 licensed branch locations;	
NO	Nevada	Agency type called a Nursing Pool - home infusion companies that also provide nursing services on-site in their office; handles shift work in facilities through contracts as well as provide shift work in homes through third party payers such as workman's comp. Began licensing PCA services this year - mostly private duty caregivers, or have contracts through Medicaid). All of these facility types have regulations under the Nevada Revised Statutes (NRS) 449 section.	All of these facility types have complaint mechanisms for consumers and other concerned individuals. We will investigate them through the state licensure side. There are also timelines that are in the NRS that dictate when the facilities should be surveyed by the state.	Not a CON state, but, I think it is a good idea. There are home health agencies popping up all over the place. There are some issues coming up with regard to home care and assisted living overlap. There are also some issues with inappropriate referrals that we have picked up on during survey	HHAs - 125 Nursing pools - 47. PCAs - 7	Yes
NO	Oregon	In home care agencies	Annual licensing and inspections every 3 years apart from CMS certification of HHA's	Very unsophisticated group of providers that require lots of education and generate 20 complaints a year	Currently 140 agencies	Yes
NO	Indiana	A) licensed/certified agencies B) Medicaid only certified/licensed agencies C) licensed only Agencies The licensing rules and the Medicare CoP's	We have licensure rules that are not the same as the CoPs for Medicare that they must meet in addition to a state required Home Health Aide Registry. Also have a Personnel Service licensing requirement for those non health related agencies that operate under the waiver programs.	Some accept patients that they can't meet needs or staffing. Infection Control involving wound care seems to be an ongoing issue. Sterile procedure issues.	192 licensed/Medicare and Medicaid certified agencies, 32 Medicaid /licensed agencies and 52 licensed only agencies	Yes

HHa CON	AFHSA: Comments from the States	Types of in-home agencies other than certified Home Health Agencies (HHA)	Quality Assurance/licensing activities for in-home providers (In addition to statutes and regs)	Issues or concerns/Recommendations	# of in-home providers licensed or regulated	Would you like results of the survey?
NO	Texas	The state of Texas licenses and regulates home health, hospice and personal assistance services under the Home and Community Support Services Agencies (HCSSA) program. The applicable state statute is Texas <u>Health and Safety Code Chapter 142</u> . The Department of Aging and Disability Services (DADS) has adopted applicable rules for these programs under <u>Title 40 of the Texas Administrative Code (TAC) at Chapter 97</u> relating to Licensing Standards for Home and Community Support Services Agencies.	DADS conducts licensure surveys and complaint investigations on all licensed HCSSAs and investigations of those suspected of operating a HCSSA without appropriate licensure. Surveys are conducted during the first year of licensure, at 18 months after the initial licensure visit and every 36 months thereafter. On or off-site complaint investigations are conducted as appropriate to the seriousness of the allegations.	Of particular concern is agency compliance with the top 10 deficiencies and violations. In June 2006, DADS instituted mandatory initial and increased continuing education for HCSSA administrators and alternate administrators	As of September 2008, Texas had 4,655 licensed agencies providing home and community support services.	Yes
NO	California	California has statutes for Private Duty Nursing Agencies in the Health and Safety Code Division 2 chapter 8.3 added in 2001. These are licensed only agencies that are limited to providing RN's and LVN's in shift work to the home. There are no PDNA's in California at this time.	No. (All licensing activities provided by CDPH are in accordance with statute and regulation. CDPH provides enforcement of the statutes and regulations not quality assurance.)	Concerns and trends are focused on the development of the workforce of in home caregivers.	1124 HHA's	No

HHA CON	AFHSA: Comments from the States	Types of in-home agencies other than certified Home Health Agencies (HHA)	Quality Assurance/licensing activities for in-home providers (In addition to statutes and regs)	Issues or concerns/Recommendations	# of in-home providers licensed or regulated	Would you like results of the survey?
NO	Illinois	Just implemented a new licensure program for home services, home nursing, home placement agencies and home nursing placement agencies. Basically, all services below home health. Effective September 2008.				
YES	Hawaii	Only home health agencies	Does not have any additional measures other than the existing licensing and certification regulations. The current licensing regulations are badly in need of revision.	Last year legislation was introduced to license "home care" agencies (chore service, companion service, personal transportation, etc.) primarily because of anecdotal reports of the elderly clients becoming victims of abuse, neglect, and crime (theft of personal items or misappropriation of personal funds). Although that legislation was not acted upon last year, may be re-introduced for the upcoming legislative session.	23 licensed home health agencies	Yes
YES	Washington	Licenses In-Home Service agencies. These are home health agencies, hospice agencies and home care agencies (non-medical-personal care). The law is RCW 70.127 (http://apps.leg.wa.gov/RCW/default.aspx?cite=70.127) and the rules are WAC 246-335 (http://apps.leg.wa.gov/WAC/default.aspx?cite=246-335)	Inspect on average every two years and investigate complaints.		485 In-Home agencies, 198 are home care, 192 are home health (of which 61 are Medicare certified), 39 hospice (of which 32 are Medicare certified) and 7 hospice care centers. These do not add up to 485 because some agencies are licensed as combinations of one or more agency type.	Yes
YES	South Carolina	Do not regulate in-home care services	N/A	Pending legislation to address the regulation of in-home care: http://www.scstatehouse.net/sess1172007-2008/bills/3797.htm	Currently licenses 82 HHA but does not regulate the in-home care industry	NO

HHA CON	AFHSA: Comments from the States	Types of in-home agencies other than certified Home Health Agencies (HHA)	Quality Assurance/licensing activities for in-home providers (In addition to statutes and regs)	Issues or concerns/Recommendations	# of in-home providers licensed or regulated	Would you like results of the survey?
NO	Florida	Nurse Registries, Homemaker Companion Services, Home Medical Equipment Providers, Hospices. http://ahca.myflorida.com/licensing_cert.shtml < http://ahca.myflorida.com/licensing_cert.shtml >	HHA -State licensing including background screening, review of financial ability to operate, insurance and other information. (All new HHAs that apply for licenses July 1, 2008 or later must be accredited); Surveys. Once accredited, HHAs are exempt from survey by our state agency. (Prior to July 1 only about 5% of the licensed HHAs were accredited, so our state agency's field offices still do the periodic inspections of nearly all licensed HHAs); Investigation of complaints - for all HHAs, including those accredited. Nurse Registries - State licensing including background screening, review of financial ability to operate and other information; Surveys; Investigation of complaints. Homemaker Companion Services - State registration including background screening and other information; Investigation of complaints. Home Medical Equipment Providers - State licensing including background screening, surety bond or review of information for financial ability to operate, insurance and other information; Surveys. (If provider is accredited or has a medical oxygen retailer permit from the Dept of Health, the provider is exempt from survey by our state agency. Thus, only 25% are surveyed); Investigation of complaints - for all HMEs, including those accredited. Hospices - Certificate of need in order to apply for a license; State licensing including background screening, financial ability to operate, and other information; Surveys; Investigation of complaints	The rapid growth of HHAs in Florida is of concern. This and other issues are shown in the white paper prepared by our state agency's Bureau of Health Facility Regulation (copy attached) and include recommendations. Also, one of the committees of the Florida Legislature did a review of the regulation of HHAs in Florida and issued a report in November 2007 that gives issues and recommendations (copy attached). The 2008 Florida Legislature the passed a bill that revised the home health agency statutes in Florida with additional requirements for licensing HHAs including accreditation, increased fines regarding patient care, fraudulent records, failure to provide care, remuneration to those that provide referrals and others. Attached is a copy of the bill that passed.	As of 10/24/08: 2,245 home health agencies; 1,817 homemaker companion services; 1,407 home medical equipment providers; 297 nurse registries; 41 hospices.	Yes
NO	Arizona	Does not regulate in-home care providers	Current study committee established under HB2587 following legislative session June 2007.			